

SOIL CLEANUP AND REMEDIAL PROGRAM

The District Court of Dallas County, Texas

95th Judicial District

(214) 630-2825

Nathan L. Hecht
District Judge

Joe G. Moore, Jr.
Special Master

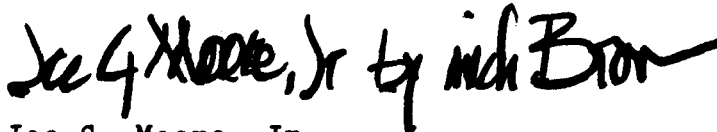
May 22, 1986

The Honorable Nathan L. Hecht
District Judge
95th Judicial District
Dallas County Courthouse, 2nd Floor
Dallas, TX 75202

Dear Judge Hecht,

Attached to this letter are the monthly reports for January, February, March and April, 1986, and the expense accounts for those months. I am again requesting, by copy of this letter, that the representatives for the parties advise you directly, in writing, of their approval or disapproval of this account.

Sincerely,



Joe G. Moore, Jr.
Special Master

cc: Gerald A. Dumas, RSR Corporation
Nancy N. Lynch, Assistant Attorney General
Analeslie Muncy, Dallas City Attorney
Robert Henneschlager, US EPA
R. Kinnan Goleman, RSR Attorney
Michael Lowenberg, RSR attorney
John Bickel, Murmur Attorney
Louis J. Weber, Boys Club and Child Care Dallas Attorney


Attachments

16505

EXPENSE ACCOUNT OF
JOE G. MOORE, JR., SPECIAL MASTER
JANUARY, 1986

January 2, 1986	Home;	4 hours	\$ 260.00
January 6, 1986	Home;	1 hour	65.00
January 7, 1986	Office	1 hour	65.00
	Mileage; 48 @ .20/mile		9.60
January 8, 1986	Court;	1 hour	65.00
	Mileage; 34 @ .20/mile		6.80
	Parking & toll		1.75
January 13, 1986	Home;	3 hours	195.00
January 14, 1986	Court;	1 hour	65.00
	Mileage; 34 @ .20/mile		6.80
	Toll		1.00
January 17, 1986	Office;	1 hour	65.00
	Mileage; 48 @ .20/mile		9.60
January 23, 1986	Home;	2 hours	130.00
January 24, 1986	Office;	2 hours	130.00
	Mileage; 48 @ .20/mile		9.60
January 28, 1986	Office;	7 hours	455.00
	Mileage; 48 @ .20/mile		9.60
January 29, 1986	Office;	2 hours	130.00
	Mileage; 48 @ .20/mile		9.60
January 31, 1986	Office;	2 hours	130.00
	Mileage; 48 @ .20/mile		9.60
Hourly rate:	27 @ 65.00		\$ 1755.00
Expenses:			73.95
TOTAL:			\$ 1828.95

I certify that the above account represents a true and accurate listing of my time and expenses for the month of January, 1986 as Special Master of the Soil Cleanup and Remedial Program, Cause No. 83-560-D in the District Court of Dallas County, Texas, 95th Judicial District, Nathan L. Hecht, District Judge.


Joe G. Moore, Jr., Special Master

5-16-86
Date

Approved by:

Nathan L. Hecht, District Judge

Date

cc: Jim Mathews, Assistant State Attorney General
Analeslie Muncy, Dallas City Attorney
Gerald Dumas, RSR Corporation
Kinnan Goleman, RSR Attorney

ADMINISTRATIVE REPORT

JANUARY, 1986

On January 2, 1986, the Special Master submitted Solid Waste Registration No. 31234 Closure Report to the Texas Water Commission, thereby requesting that the Pleasant Run Road Disposal Site be officially closed. The request was amended by a January 16 transmittal containing field compaction reports which were inadvertantly omitted from the January 2 request.

On January 6, 1986, the Special Master responded to claims made by attorneys for Mainland Land and Equipment Co. Inc. in correspondance to SCRP dated November 25, 1985. All eight specific claims individually considered and each was rejected by the Special Master in this detailed response.

On January 7, 1986 attorneys for Mainland requested a Joint Motion for Non-Suit and other Motions to the 95th District regarding their litigation against their subcontractor.

The Project Engineer met on January 8, 1986 with Don L. McCullough, President of McCullough Excavating, Inc., to discuss the question of likability for sod damage and sprinkler repair at the West Dallas Boys Club. Mr. McCullough pointed out that as a

result of the disputed liability for these damages he has ceased doing contract work for the telephone company in the project area. McCullough followed up on the meeting with a letter to the Special Master the following day. No action was taken in response.

The RSR Corporation was provided a capital equipment inventory from the SCRP office on January 15. Arrangements for disposal or transfer of the remaining property and equipment subsequently began and was completed by January 31.

Mainland Land and Equipment Co., Inc. accepted final payment of \$28,088.76 on January 17, 1986, thereby closing out Contract SCRP-85-01, Zone A, Northwest Quadrant. On that day the Special Master signed the Certificate of Substantial Completion, which had been submitted by the Project Engineer and the Contractor on October 16, 1985. Delay in closing the contract was caused by pending claims of the subcontractor, Universal Dirt, on which the Special Master ruled on January 6, 1986.

All records of the SCRP were removed from the offices in the Sequoyia Environmental Science Academy by January 31, 1986. Official files were placed in the District Clerk's records, except those remaining open for further attention.

The office telephone remains active with calls being forwarded to the home of the Office Manager.

FINANCIAL STATUSJANUARY 31, 1986

The financial statements for the period ending January 31, 1986, are presented in Schedules 1 and 2 of this report. The Balance Sheet (Schedule 1) identifies the project assets, liabilities and the Special Master's capital as of January 31, 1986. The Statement of Operation (Expenses) - (Schedule 2) identifies the project expenditures for the month and the total project to date expenditure is \$3,374,134.58.

The balance in the Escrow Account of the Soil Cleanup and Remedial Program on January 31, 1986 is as follows:

<u>ACCOUNT</u>	<u>TITLE</u>	<u>BALANCE</u>
111	Cash - Brookhollow	\$ 2,647.46
121	Checking Account - Brookhollow	72,177.95
130	Petty Cash	<u>100.00</u>
	TOTAL	<u>\$74,925.41</u> =====

SOIL CLEANUP AND REMEDIAL PROGRAM
BALANCE SHEET
AS OF JANUARY, 1986
SCHEDULE 1

PROJECT ASSETS

CURRENT ASSETS:

Escrow Accounts		
Money Market - Sunbelt	\$ 2,647.46	
Checking Acct. - Sunbelt	72,177.95	
Petty Cash	<u>100.00</u>	
TOTAL ESCROW ACCOUNTS		<u>\$74,925.41</u>
TOTAL CURRENT ASSETS		<u>\$74,925.41</u>

FIXED ASSETS:

Office Furniture	1,612.70	
Accum. Depr. Office Furniture		
Office Equipment	3,857.65	
Accum. Depr. Office Equipment	<u></u>	
TOTAL FIXED ASSETS		<u>\$ 5,470.35</u>

TOTAL PROJECT ASSETS		<u>\$80,395.76</u> =====
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LIABILITIES & CAPITAL

CURRENT LIABILITIES:

Accounts Payable	.00	
Fed. W/H Tax Payable	194.50	
FICA Tax Payable	411.81	
FUTA Tax Payable	.00	
SUTA Tax Payable	<u>125.44</u>	
TOTAL CURRENT LIABILITIES		\$ 731.75

Special Master's Capital:		
District Clerk's Transfers	1,287,455.12	
Interest From Bank	7,742.27	
Miscellaneous Income	417.86	
Project To-Date Expenses	1,215,951.24	
Reserve For Payables	<u>.00</u>	
TOTAL CAPITAL		<u>\$79,664.01</u>

TOTAL LIABILITIES & CAPITAL		<u>\$80,395.76</u> =====
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SOIL CLEANUP AND REMEDIAL PROGRAM
STATEMENT OF OPERATION (EXPENSES)
FOR THE PERIOD ENDING JANUARY, 1986
SCHEDULE 2

PROJECT EXPENSES (LINE ITEM)	EXPENSES FOR JANUARY, 1986		
	ESCROW A/C (1A)	DIST. CLERK A/C (1B)	TOTAL (1C)
CONSULTANT SERVICES:			
C/S START UP/ADMIN.			
SURVEY & DRAFTING			
SOIL TESTING & ANALYSIS			
TOTAL CONSULTING SERVICES	\$.00	\$.00	\$.00
CONTRACTOR SERVICES:			
CONTRACT ADMIN. SERVICES			
DISD CONTRACT WORK			
SPECIAL WASTE DISP. (#84-01)			
EDISON JR. HI. & DP&L (#84-02)			
BOYS CLUB-DHA (#84-03)			
CONTRACT #85-01	227.99	28,088.76(A)	28,316.75
CONTRACT #85-02			
CONTRACT #85-03	24,058.94		24,058.94
CONTINGENCY (%)			
PAYMENT FOR RSR SITE			
CITY OF DALLAS DISP. SITE	8,466.48		8,466.48
CITY OF DALLAS REPL. SITE			
CONTRACTS OTHERS			
TOTAL CONTRACT SERVICES	\$32,753.41	\$28,088.76	\$60,842.17
TOTAL CONTRACT & CONSULTING	\$32,753.41	\$28,088.76	\$60,842.17
ADMINISTRATIVE SERVICES:			
OFFICE SALARY EXPENSE	1,407.88		1,407.88
SPECIAL MASTER'S FEES			
PAYROLL TAX EXPENSE	217.76		217.76
TELEPHONE	332.51		332.51
HEALTH INSURANCE			
PUBLIC LIAB./AUTO/W.C.	27.00		27.00
SM PERFORMANCE BOND			
PRINTING/MAILING EXPENSE			
OFFICE LEASE	1,750.00		1,750.00
OFFICE EQUIPMENT LEASE			
AUTO REPAIR & MAINTENANCE			
PROFESSIONAL FEES	1,717.50		1,717.50
OFFICE TECHNICAL SUPPLIES	75.12		75.12
CONTRACT BID ADVERTISING			
OFFICE GENERAL SUPPLIES	277.00		277.00
COMPUTER TRAINING/SERV.			
PROJECT TRAVEL EXPENSES			
BANK FEES/CHARGES			
MISCELLANEOUS EXPENSE			
PROJECT CLOSE-OUT EXPENSE			
CONTINGENCY COSTS			
TOTAL ADMIN. EXPENSES	\$ 5,804.77	\$.00	\$ 5,804.77
GRAND TOTAL	\$38,558.18	\$28,088.76	\$66,646.94

SOIL CLEANUP AND REMEDIAL PROGRAM
STATEMENT OF OPERATION (EXPENSES)
FOR THE PERIOD ENDING JANUARY, 1986
SCHEDULE 2

PROJECT EXPENSES (LINE ITEM)	PROJECT TO DATE EXPENSES			ESTIMATED BUDGET(*) (3)
	ESCROW A/C	DIST. CLERK	TOTAL	
	(2A)	A/C (2B)	(2C)	
CONSULTANT SERVICES:				
C/S START UP/ADMIN.	\$ 152,035.80	\$	\$ 152,035.80	\$ 150,000.00
SURVEY & DRAFTING	26,734.70		26,734.70	30,000.00
SOIL TESTING & ANALYSIS	16,765.55		16,765.55	20,000.00
TOTAL CONSULTING SERVICES	\$ 171,475.05	\$.00	\$ 195,536.05	\$ 200,000.00
CONTRACTOR SERVICES:				
CONTRACT ADMIN. SERVICES	54,010.40		54,010.40	43,000.00
DISD CONTRACT WORK	15,252.00	44,903.28	60,155.28	90,352.00
SPECIAL WASTE DISP. (#84-01)	27,613.97	245,162.62	272,776.59	272,636.50
EDISON JR. HI. & DP&L (#84-02)	16,312.13	176,780.62	193,092.75	161,843.50
BOYS CLUB-DHA (#84-03)	134,885.14	267,177.33	402,062.47	454,510.00
CONTRACT #85-01	18,757.86	707,167.71	725,925.57	821,825.90
CONTRACT #85-02	6,000.00	103,185.95	109,185.95	192,105.90
CONTRACT #85-03	24,058.94	319,718.74	343,777.68	386,905.00
CONTINGENCY (%)				100,000.00
PAYMENT FOR RSR SITE		70,600.00	70,600.00	70,600.00
CITY OF DALLAS DISP. SITE	329,560.86	247,286.25	576,847.11	611,566.00
CITY OF DALLAS REPL. SITE				41,250.00
CONTRACT OTHERS	3,464.73		3,464.73	5,000.00
TOTAL CONTRACT SERVICES	\$ 629,916.03	\$2,181,982.50	\$2,811,898.53	\$3,251,595.00
TOTAL CONTRACT & CONSULTING	\$ 801,391.08	\$2,181,982.50	\$3,007,434.58	\$3,451,595.00
ADMINISTRATIVE SERVICES:				
OFFICE SALARY EXPENSE	128,358.30		128,358.30	124,000.00
SPECIAL MASTER'S FEES	84,851.66		84,851.66	95,000.00
PAYROLL TAX EXPENSE	9,575.11		9,575.11	9,500.00
TELEPHONE EXPENSE	8,187.70		8,187.70	7,500.00
HEALTH INSURANCE	3,853.00		3,853.00	4,500.00
PUBLIC LIAB./AUTO/W.C.	12,039.79		12,039.79	13,500.00
SM PERFORMANCE BOND	700.00		700.00	700.00
PRINTING/MAILING EXPENSE	6,313.14		6,313.14	7,300.00
OFFICE LEASE	21,875.00		21,875.00	20,000.00
OFFICE EQUIPMENT LEASE	20,204.27		20,204.27	22,000.00
AUTO REPAIR & MAINTENANCE	773.12		773.12	1,200.00
PROFESSIONAL FEES	62,824.58		62,824.58	42,000.00
OFFICE TECHNICAL SUPPLIES	3,827.43		3,827.43	4,500.00
CONTRACT BID ADVERTISING	7,659.69		7,659.69	15,000.00
OFFICE GENERAL SUPPLIES	11,962.97		11,962.97	15,000.00
COMPUTER TRAINING/SERV.	572.93		572.93	5,000.00
PROJECT TRAVEL EXPENSES	3,037.54		3,037.54	35,000.00
BANK FEES/CHARGES	117.93		117.93	200.00
MISCELLANEOUS EXPENSE	4,026.84		4,026.84	5,000.00
PROJECT CLOSE-OUT EXPENSE				7,500.00
CONTINGENCY COSTS				35,000.00
TOTAL ADMIN. EXPENSES	\$ 390,761.00	\$.00	\$ 390,761.00	\$ 433,400.00
GRAND TOTAL	\$1,192,152.08	\$2,181,982.50	\$3,398,195.58	\$3,884,995.00

JANUARY 31, 1986

Footnotes to Financial Statement:

- (A) \$28,088.76 paid to Mainland Land and Equipment Co., Inc.
on Contract SCRP-85-01.

Engineering Contract Summary

January 31, 1986

SCRP-84-01, Special Waste Project, work completed 3-6-85

Comments:

Since the contract was completed, the project was inspected by the Project Engineer routinely and it was noted that very little grass maintenance was done by the Dallas Housing Authority.

During the month of January there was no rainfall. The grass was mowed by the Dallas Housing Authority during the month of October. As a result of the heavy freezes, the grass is now dormant and but because of the extremely dry January some watering may be required.

SCRP-84-02, Thomas A Edison Junior High School Athletic Field and Dallas Power and Light Company Substation, work completed 6-19-85

Comments:

Since the final inspection of this contract, there has been no evidence of any grass maintenance at the Thomas A Edison athletic field and very little weed control where the flexbase was placed at the Dallas Power and Light Company Substation.

During the month of January no rainfall was recorded to sustain the growth of grass and again there was no evidence of grass maintenance at the Thomas A Edison athletic field.

Because of heavy frost, the grass is now dormant and will require little or no maintenance but because of the little or no rainfall during the month of January, watering will be required.

SCRP-84-03, The Boys Club of Dallas and Dallas Housing Authority, Zone A Property; Soil Removal and Replacement (Paulson Construction, Inc.), work completed 12-2-85; Grass Sodding and Maintenance (King Grass Farms) work completed 12-2-85

Comments:

Major delays were encountered on this contract as a result of inclement weather during the winter months and because of a large number of Dallas Housing Authority damage claims. A final inspection was conducted on December 2, 1985. The following persons participated in the final inspection:

Joe G. Moore, Jr. Special Master
George Putnicki, Project Engineer
Michael Mendias, Project Coordinator
Tommy Daniels, Boys Club of Dallas
George Hudlow, Paulson Construction, Inc.
Officer Oscar Cantu, Dallas Police Department

Upon completion of the final inspection, a Certificate of Substantial Completion was executed and the Application for Final Payment was prepared and processed, releasing the funds retained under the contracts. The contractors, Paulson Construction, Inc., and King Grass Farms will not be responsible for further maintenance of the project area.

SCRP-85-01, Northwest Quadrant, Zone A Property; Soil Removal and Replacement (Mainland Land and Equipment Co., Inc.), work completed 1-17-86

Comments:

Major problems were encountered on this contract as a result of subcontractors' irregularities which resulted in a lawsuit.

SCRP-85-01, Northwest Quadrant, Zone A Property; Grass Sodding and Replacement (Jerdon Construction Co.)

Comments:

During this reporting period no work was accomplished on this contract.

SCRP-85-02, Day Care Centers, Family Day Homes, Playground Areas and Vegetable Gardens; work completed 12-2-85

Comments:

No major problems were encountered on this contract. Some minor delays resulted from modifications requested by one day care center owner. A final inspection was conducted on December 2, 1985. The following persons participated in the final inspection:

Joe G. Moore, Jr., Special Master
George Putnicki, Project Engineer
Michael Mendias, Project Coordinator
Truman Hill, Sprint Waste Disposal Co.
Officer Askew, Dallas Police Department

Upon completion of the final inspection, a Certificate of Substantial Completion was executed and Application for Final Payment was prepared releasing the funds retained under the

contract. The contractor, Sprint Waste Disposal Co. will not be responsible for further maintenance of the project area.

SCR-85-03, Vegetative Cover, Zone B Property

Comments:

This contract was advertised for bids on August 7, 1985. Bids were received and opened on August 19, 1985. Three bids were received from Bluebonnet Turf, King Grass Farms and Jerdon Construction Co. The bids were evaluated by the Project Engineer and a recommendation was made to the Special Master to award the contract to the low bidder, Jerdon Construction Co. in the amount of \$386,905.00. The contract was awarded to Jerdon on August 28, 1985. A Notice to Proceed was transmitted to the contractor and work began on September 3, 1985.

Work on this contract has progressed satisfactorily. All of the grass sod placement on this contract was completed in the first two weeks in December. No work was accomplished in the month of January, 1986.

EXPENSES OF
JOE G. MOORE, JR., SPECIAL MASTER


FEBRUARY, 1986

February 5, 1986	Office;	1 hour	\$ 65.00
February 14, 1986	Office;	1 hour	65.00
February 21, 1986	Office	1 hour	65.00
February 26, 1986	Office;	1 hour	65.00
February 28, 1986	Office;	1 hour	65.00
	Mileage; 48 @ .20/mile		9.60
	Toll		1.00
	Parking		1.00

Hourly rate:	5 @ 65.00	\$ 325.00
Expenses:		11.60

TOTAL:		\$ <u>336.60</u>
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I certify that the above account represents a true and accurate listing of my time and expenses for the month of February, 1986 as Special Master of the Soil Cleanup and Remedial Program, Cause No. 83-560-D in the District Court of Dallas County, Texas, 95th Judicial District, Nathan L. Hecht, District Judge.


Joe G. Moore, Jr., Special Master

May 16, 1986
Date

Approved by:

Nathan L. Hecht, District Judge

Date

cc: Jim Mathews, Assistant State Attorney General
Analeslie Muncy, Dallas City Attorney
Gerald Dumas, RSR Corporation
Kinnan Goleman, RSR Attorney

ADMINISTRATIVE REPORT

FEBRUARY, 1986

SCRP vacated the offices located at 3635 Greenleaf, in the Sequoyah Environmental Academy, on January 31, 1986. Business resumed at 409 Lexington Lane in Richardson immediately. The same telephone number, 630-2825, was call forwarded to the new location. Arrangements were made with RSR to transfer major property items to RSR and/or to dispose of them by competitive bids. Correspondance from Gerry Dumas dated February 4 confirms that the property inventory and transmittal plan was acceptable to RSR. Project files, including three metal file cabinets, were transmitted to the District Clerk in the Dallas County Courthouse, where they are stored on the mezzanine level. The Court's administrative assistant has keys to the cabinets.

On February 1 Brookhollow National Bank was directed to close the money market account and transfer the remaining funds to the checking account, as a project closedown measure. The District Clerk retains some funds.

On February 26, 1986, the Texas Water Commission held a hearing at the West Dallas Boys Club for the proposed Closure Plan of the Murmur Site III facility in west Dallas, which is the smelter located at Singleton Boulevard and Westmoreland Street. The SCRП Office Manager attended that hearing. A memorandum describing the dialogue relevant to the SCRП is attached.

Contract documents for all contracts required that the Special Master have all properties for which owner's consent had been received photographed before and after soil removal, soil replacement and sodding. Photographs taken after the completion of the work were supervised by Mr. Milan Yancey, performed by the Boys Club Photography Club and organized and coded by Mr. Yancy. The photographs are now in the file cabinets at the District Clerk's Office with filing explanations in each folder.